

In the United States Court of Federal Claims

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BRUHN NEWTECH, INC., et al.,	*
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Plaintiffs,	*
	*
v.	*
	*
UNITED STATES,	*
	*
Defendant.	*
	*
* * * * *	*

No. 16-783C
Filed: January 22, 2019

ORDER

The court is in receipt of the parties' January 15, 2019 "joint motion to file substantive evidence by deposition," in which the parties "jointly move to designate deposition testimony in lieu of live testimony for four witnesses." The four witnesses discussed in the parties' January 15, 2019 motion are Christopher Capano, Michael Nichols, Donald Kitchen, and Michael Meyer.

After review of the documents submitted to the court, the court **DENIES** the parties' "joint motion to file substantive evidence by deposition" as it relates to witnesses Christopher Capano and Michael Nichols. Christopher Capano and Michael Nichols shall appear in-person as witnesses at the liability trial scheduled to commence on February 4, 2019 in the above-captioned case.

Based on review of the documents relevant to Donald Kitchen and Michael Meyer, as well as the parties' lack of objections to the designated portions of the deposition transcripts, the court **GRANTS** the parties request to "designate deposition testimony in lieu of live testimony" for Donald Kitchen and Michael Meyer. The court, however, will leave the record open until all other trial evidence is received to make a final decision as to whether to require Donald Kitchen or Michael Meyer to appear in-person as witnesses if the court believes in-person appearance of either Donald Kitchen or Michael Meyer is necessary.

IT IS SO ORDERED.

s/Marian Blank Horn
MARIAN BLANK HORN
Judge